



**Town of Arlington
Zoning Board of Appeals**

Meeting Minutes
Tuesday, March 28, 2017
7:45 PM

Present: Patrick Quinn, Chair, Christian Klein, Vice Chair , Suzanne Spinney,
Joseph Moen, and Shawn O'Rourke

1. Docket #3526 50 Washington Street

The Petitioner Donald Corey applied for a Special Permit under Section 6.00 Table of Dimensional and Density Regulations and the Building Inspector's decision in relation to the decision for 50 Washington Street, of the Zoning Bylaw for the Town of Arlington, seeking a finding from the Zoning Board of Appeals in regards to the abutting property. At the March 28, hearing, Petitioner Donald Corey appeared before the Board and described the reasoning for his hearing in regards to the abutting property located at 50 Washington Street. Mr. Corey gave the Board a copy of a memo dated March 28, 2017 in which he states that this is not a repetitive appeal and in fact a new appeal in regards to the height limitation in the Dimensional Regulations. Mr. Corey noted that the board declined to consider this matter in the prior hearing because it was not included in his original appeal application. Mr. Quinn stated that the legal department in the town is in agreement with the board and Inspectional Services that this is a repetitive appeal, due to 40a section 16 which reads:

"specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings."

This appeal has not met its 24 month period, and therefore cannot be heard. Mr. Corey reiterated that the board declined to hear his appeal at the last hearing, and the board chose not to vote because it was different. The Board stated once again that there has to be a material change from then to now, and they suggested at the last hearing that he withdraw and amend his application before coming back. The board voted at the last hearing denying his request, putting him in the 24 month period before coming back to the board. Mr. Fitzsimmons who is representing Mr. Callahan the builder, would concur with the board that this is a repetitive appeal. He reiterates the language in section 40a section 16 that there has to be specific and material changes to the plans at this site, and that the decision from December 16, 2016 was a unanimous denial of the board and is time bound for 2 years before being heard again.

The Board finds that the petitioners request for the "Appeal of The Building Inspectors Decision" is hereby invalid to be heard under 40A Section 16, which states that this is a repetitive appeal. At the close of the hearing a motion was made and seconded and the board voted unanimously in favor of the Building Inspectors decision.

SO VOTED: 5-0